

App. F. ~~1940~~

Previous Reference.

1940
~~1940~~
1939
()
Ley

PRESERVED

29

File No. 29-

Serial Nos. 1-

Later References.

Ley 29-40 (3-4)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two and

Part B for August 1940

SUBJECT.

Prosecutions under Money Laundering Act

Prosecutions under Moneylenders Act

General and Revenue
Secretariat

File No.

of 194

[App. F. III-2]

Serial
No.

From

The Inspector General of Registrations

C569/35-40 dtd 16th July

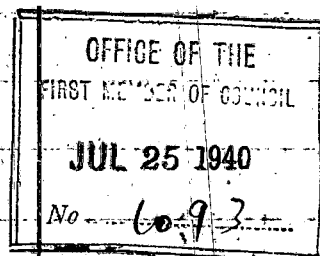
requesting instructions on certain points in regard to
Moneylenders Act and Rules.

Two questions have been raised by the I.G. of Registration. (1) Whether prosecutions may be law against moneylenders who have applied for registration after the 15th July, and (2) who should prosecute and in what Court?

(1) A moneylender who was carrying on business the 15th of July and did not get himself registered before that date would be liable under Section But as the act has come into force only on the 15 July and as numerous petitions have been received no stamp paper was available, that the provisions Act were not sufficiently known to the ignorant villagers and that the provisions relating to the Registration of moneylenders may be postponed for time, it is for orders whether prosecutions have be undertaken just now or whether the I.G. of Registration may not be asked to waive breaches of this requirement ~~xxxxxx~~ till the first of August. In another reference from the I.G. of Registration instructions have been requested as to whether applications for registration could be accepted after the 15th July and it may not be improbable therefore such applications have been rejected or kept pending. In these circumstances, the point raised is for orders.

(2) There is no mention in the Act as to the Court or the person who should prosecute. The pr

within whose jurisdiction the principal place of business of a moneylender is situate would be the appropriate court and the Sub Registrar within whose jurisdiction such place is situate could lay the complaint



~~Observe~~ The procedure to be adopted in regard to applications received after the 15th July has been submitted separately for notes on another reference from Reg. of Registration. Submitted for ad.

It may not be advisable to launch prosecutions indiscriminately w. non-registration. It may be better to watch for a month or two and collect information about cases of non-registration. The defaulting parties may be warned to get themselves registered within a fix of notice ~~otherwise~~ if they still persist in not getting registered, prosecution may be launched. Otherwise it leads to unnecessarily hardship and harassment.

How can this be done? ~~It is better to say that~~

The Sub-Registrar may launch complaints before the Magistrates within whose jurisdiction the offence was committed ~~according to~~ the Cr. Pro. Code.

I Member)

To speak

Hm
25/7/40

Mu
28/7/40

JUN 28/7

A draft statute H. it in prosecutions

Prosecutions under Moneylenders Act. 1989

General and Revenue
Secretariat

File No.

of 194

[App. F. III-2]

Serial
No.

need be launched for prosecutions for
non-registration till 1-10-40 and there
the Sub-Registrars may have to obtain
the sanction of their immediate superior
offices ^(Dist Registrars) before launching prosecutions under the
Act may be put

Hm
27/7/40
JNV
27/7

A draft up as instructed above is put up for order
29.7.40.

For approval
JNV
29/7

Law Secy)

The draft may be approved.

The Rules do not provide for appeal
against the refusal of registration by a
Registrar. A new rule may be added providing
for appeals to the District Registrars and
revision to the D. G. of Registration & Government

I Members

30/7/40.

1/8/40

Hm
1/8/40
JNV
1/8

Issued Confidential letter no 1825 d 2.8.40 to 15/8/40

URGENT.

Postal Address: -
POST BOX No. 5.

Leys 27
GOVERNMENT OF MYSORE.

REGISTRATION DEPARTMENT.

In reply, refer to No. <i>C.569/21</i> Encls <i>1</i>

OFFICE OF THE INSPECTOR-GENERAL OF REGISTRATION
IN MYSORE,

Dated, Bangalore, the *16th* July 1940.

FROM

Rajasevaprakashta
A. V. Ramanathan, Esqr., B.A.,
Inspector-General of Registration in Mysore, Bangalore.

TO

H. V. Rarayana Rao, Esqr., B.A., LL.B.,
Secretary to Government of His Highness the Maharaja of Mysore,
L a w Department, Bangalore.



Hm
18/7
JULY 18/7
SIR,

I have the honour to forward, herewith, a copy of letter No. 3/40-41, dated 11th July 1940, received from the District Registrar Tumkur District, requesting to be informed of the procedure to be adopted with regard to the applications of Moneylenders presented the 15th instant, I have the honour to state that in such cases will have to be taken under Section 20 of the Moneylenders Act. that orders may kindly be issued as to whether such applications accepted or a moneylender should be prosecuted even though in making the application for registration is only for a few days should prosecute moneylenders under Section 20 and in what courts

I have the honour to be

Sir,

Your most obedient servant

[Signature]
Inspector-General
Registration.

Copy of letter No.C.3/40-41, dated the 11th July 1940, from the District Registrar, Tumkur District, Tumkur, to the Inspector-General of Registration in Mysore, Bangalore.

In continuation of this office No.C.3/40-41 dated 5-7-1940, -- I have the honour to request that early instructions may kindly be issued re: the procedure to be adopted with regard to applications presented by money lenders after the 15th instant, as rule 5 of the Money lenders Rules contemplates that a money lender may apply for registration at any time within fifteen days of the Act coming to force.

=====

" C O P Y "


For Inspector-General of
Registration.

CONFIDENTIAL.

no. P825

Lej 29-40-2

2nd August 1940.

The

Law Department.

The Inspector General of Registration
in Mysore, Bangalore.

Sir,

With reference to your letter No.C.559/39-40 dated 16th July 1940 on the subject of prosecutions under the Mysore Moneylenders Act, 1939, I am directed to invite reference to this office letter No.P.594-603 dated 27th July 1940 regarding the time for receipt of applications for registrations under the rules and to state that prosecutions for non-registration or late registration need not be undertaken against moneylenders who apply for registration before the first of October 1940.

In respect of breaches of these provisions which may arise or continue after that date, prosecutions may be launched in the Court of a magistrate of any class within whose jurisdiction the principal place of business of the moneylender is situate and the Sub-Registrar within whose jurisdiction such place of business is situate may lay the complaint. I am, however, to add that it is considered desirable that Sub Registrars should be required to obtain the previous sanction of their District Registrars before making any complaint under the Act or the Rules.

I have the honor to be,
Sir,
Your most obedient servant,

H. M. 21/8/40
Secretary to Government,
Law Department.

TN-2)

No. P825-82-8-

Confidential

To

The T.C. of Registration.

Sir,

With reference to your letter No. C.559/39-40 dated 16th July 1940 on subject of ~~XXXXXXXXXXXX~~ prosecution ^{Mysore} 1939 under the moneylenders Act, I am directed to invite reference to this office letter No.P.594-603 dated 27. regarding the time for receipt of applications for registration under the rule and to state that prosecutions for registration or late registration ~~in~~ *against money lenders who ~~will~~ apply for registration by* need not be undertaken ~~until~~ the first of October 1940.

after that date ~~After that date~~ *In respect of breaches of these provisions* prosecutions may be launched in the Court of a magistrate of any class within whose jurisdiction the principal place of business of the moneylender is situate and the Sub-Registrar within whose jurisdiction such place of business is situate may lay the complaint.

I am, however, to add that it is considered desirable that ~~after the first of October 1940~~ ^{should} Sub Registrars ~~may~~ be required to obtain the previous sanction of their District Registrars before making any complaint under the Act ^{or} ~~on~~ the Rules.

I have etc.,

Hm
30/7.

Secretary to Government
Law Department.
29/7